

REMARKS

In the above-mentioned Office Action, all of the pending claims, claims 1, 4, 5, 7, 9-20, 22, 23, 27-32, and 36-37 were rejected. The claims were rejected under Section 103(a) over the combination of Park, Ue, and Chen. Claims 1, 17, and 36-37 were further rejected under Section 112, first paragraph for containing subject matter that was not described in the specification.

In the rejection, the Examiner acknowledged that Park fails to disclose evaluating a signal to noise ration and a desired signal component value. Ue was cited for showing the evaluating of a signal to noise ration. And, while the Examiner acknowledged that neither Park nor Ue disclose a desired signal component value, the Examiner relied upon Chen for disclosing the transmitting of a desired component value by a mobile device, namely, QoS parameters, i.e., bandwidth, data rate, priority, etc.

The Applicants acknowledge the specificity provided by the Examiner as to where in the cited references that reliance is placed to support the rejection of the claims.

Responsive to the rejections of the claims, the independent claims, claims 1, 17, 36, and 37, have been amended in manners believed better to distinguish the invention of the present application over the cited combination of references used thereagainst. Support for the amendments is found in the disclosure, e.g., on page 4, lines 24 and 31 – 33. The independent claims have also been amended to remove the recitations that the Examiner stated not to have support in the disclosure.

As now-presented, the Applicants traverse the rejection of the claims over the cited combination of references. With respect to exemplary claim 1, as now-presented, the Applicants assert that none of the references disclose the sending of a second signal that contains the desired preamble signal component signal-to-noise-ratio value that is optimized

for a network criteria. And, the Applicants further assert, therefore, that none of the references disclose the setting of the transmit power in the manner, as now-recited.

Specific traverse is made upon the Examiner's reliance on Figure 2, reference numeral 216, of Park for showing the receiving at the base station both information about the mobile device received signal and the desired preamble signal. Review of Park indicates that Park fails to disclose the measurement of, or sending of, a desired preamble signal component signal-to-noise-ratio value optimized for a network, as now-presented.

Specific traverse is also made upon the Examiner's reliance upon Chen. While the Examiner relied upon Chen for disclosing transmission of a desired component value, desired by a mobile device, the desired component value is not a signal-to-noise-ratio-related value.

And, while U_e was cited for disclosing evaluation of a signal to noise ration, again, this reference does not disclose a signal to noise ratio value that is optimized for a network performance criteria.

Therefore, no combination of these references can be created to form the invention recited in claim 1. The other independent claims have been analogously amended and are believed to be distinguishable over this cited combination of references for the same reasons as those, just-given with respect to claim 1.

Additionally, as none of the references show the sending nor receiving of such a value optimized for a network performance criteria, the calculation of the mathematical difference, recited in claim 1, as now-presented, that uses an estimated signal component value also is not disclosed in the cited references for the same reasons as those just-given. The other independent claims are also believed to be distinguishable for this additional reason.

The remaining dependent claims, which include all of the recitations of their respective parent claims, are believed to be patentably distinguishable over the cited

Application No. 10/807,957
Amendment dated February 25, 2009
Reply to Office Action of November 25, 2008

combination of references for the same reasons as those given with respect to their parent claims.

Accordingly, in light of the foregoing, independent claims 1, 17, and 36, as now-presented, and the dependent claims dependent thereon, are believed to be in condition for allowance. Accordingly, reexamination and reconsideration for allowance of the claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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